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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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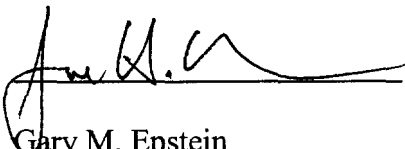
In the Matter of)
)
Amendments to Parts 1, 2 and 101) WT Docket No. 99-327
of the Commission's Rules)
to License Fixed Services at 24 GHz)

SUBSTITUTED COMMENTS OF DIRECTV ENTERPRISES, INC.

On December 10, 1999, DIRECTV Enterprises, Inc. ("DIRECTV") submitted brief Comments in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding. On December 23, 1999, the Commission in an Erratum to the Notice extended the filing date for the Comments to January 19, 2000. Due to this extension of the filing date, DIRECTV hereby submits the attached Substituted Comments. These Comments should be substituted for the December 10, 1999 filing, which DIRECTV requests be removed from the record.

Respectfully submitted,

DIRECTV ENTERPRISES, INC.

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SUBSTITUTED COMMENTS OF DIRECTV ENTERPRISES, INC.

DIRECTV Enterprises, Inc. ("DIRECTV")¹ hereby submits the following brief comments in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding.

As the operator of the nation's leading direct broadcast satellite ("DBS") service, DIRECTV for more than two and one-half years has strongly urged the Commission to allocate the 17.3 - 17.8 GHz band for Broadcast Satellite Service ("BSS")² downlinks, and correspondingly, a portion of the 24 GHz band to the Fixed-Satellite Service ("FSS") to support BSS feeder uplinks, on an exclusive, primary basis.³ Indeed, DIRECTV has a pending expansion system application designed specifically to take advantage of such spectrum allocations,⁴ and the Commission in its still-pending *Blanket Licensing*

¹ DIRECTV Enterprises, Inc. is a licensee in the DBS service and a wholly-owned subsidiary of Hughes Electronics Corporation.

² BSS is known as DBS in the United States, and the terms are used herein interchangeably.

³ See, e.g., Redesignation of the 17.7 - 19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7 - 20.2 GHz and 27.5 - 30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3 - 17.8 GHz and 24.75 - 25.25 GHz Frequency Bands for Broadcast Satellite Service Use, *Notice of Proposed Rulemaking*, 13 FCC Rcd 19923 (1998) ("Blanket Licensing Notice"), at ¶ 73.

⁴ Application of DIRECTV Enterprises, Inc. for Authority to Construct, Launch and Operate an Expansion System of Direct Broadcast Satellites (June 5, 1997) ("Expansion Application").

proceeding has proposed to amend the Table of Frequency Allocations to reflect co-primary FSS allocations to support BSS feeder links at 24.75 - 25.05 GHz (FSS co-primary with Radionavigation service) and 25.05 - 25.25 GHz (FSS co-primary with Radionavigation and terrestrial fixed services). The Commission has acknowledged that BSS is a "rapidly growing service" and that such allocations "may be required" to accommodate BSS growth in the United States in the next decade.⁵

In this proceeding, the Commission now has again proposed to amend its Table of Frequency Allocations to permit the use of the 24 GHz band at 24.25 - 24.45 GHz and 25.05 - 25.25 GHz by terrestrial fixed operators (primarily in the Digital Electronic Messaging Service ("DEMS") relocated from 18 GHz to 24 GHz), and to retain the 24.45 - 25.05 GHz band for use by the aeronautical Radionavigation service.⁶ DIRECTV wishes to make several important points from the DBS perspective in connection with these actions.

A. 24.75 - 25.05 GHz

First, the *Notice* does not address the frequency range of 24.75 - 25.05 GHz, with the exception of clarifying that the spectrum from 24.45 - 25.05 GHz will now be designated to support the aeronautical Radionavigation service. There is no mention of BSS feeder link use of this spectrum, although the *Notice* may be presumed to defer on this issue to the pending *Blanket Licensing Notice*. There, the Commission has proposed that the 24.75 - 25.25 GHz band be allocated for BSS feeder links, but has questioned when that allocation should be made (since the 17 GHz BSS downlink allocation that the 24 GHz allocation would support is not scheduled to come into effect until April 1, 2007).⁷

⁵ *Blanket Licensing Notice* at ¶ 79.

⁶ *Notice* at ¶ 8.

⁷ The International Telecommunications Union ("ITU") has allocated the 17.3 - 17.8 GHz band for BSS downlink use beginning April 1, 2007. DIRECTV has requested the Commission to allocate this spectrum for U.S. domestic BSS use now, even if BSS

DIRECTV wishes to emphasize how important it is to preserve the spectrum at 24.75 - 25.05 GHz for BSS feeder link use. At a critical time in the development of the DBS service, it is vital that this spectrum remains available to support BSS expansion. To this end, DIRECTV questions the need for a co-primary allocation, on a going forward basis, of these frequencies between FSS and aeronautical Radionavigation services. The Commission has indicated that the only Radionavigation operations at 24 GHz, two FAA Radionavigation radar facilities located near Washington D.C. and Newark, N.J., have been decommissioned.⁸ Thus, an exclusive primary BSS allocation to support BSS feeder links using these frequencies should not be problematic.

There also is no reason to delay in allocating this spectrum for BSS feeder links today, even if BSS operators do not begin using the band to support actual BSS uplink operations for several years. There is a strong public interest in promoting the continued development and expansion of DBS service in the United States. DBS operators must plan and secure funding for next-generation BSS satellite systems, with the requisite assurance that such systems will operate in an environment free from the interference of other co-primary services. DIRECTV therefore submits that it is in the public interest to allocate the 24.75-25.05 GHz band now on an exclusive primary basis to the FSS for the

operators may not be actually licensed to use these frequencies until 2007, in order to permit DBS operators to plan and secure funding for next-generation DBS systems. *See, e.g.,* Comments of DIRECTV, IB Docket No. 98-172 (Nov. 19, 1998), at 7-10. To the extent that 24 GHz frequencies would be used as feeder links for reverse-band BSS operations at 17 GHz, the Commission has asked “whether the effective date of the FSS allocation for BSS feeder link use at 24.75 - 25.25 GHz should coincide with the effective date of the downlink BSS allocation at 17.3 - 17.8 GHz” or whether the FSS allocation “should become effective before the April 1, 2007 effective date.” *Blanket Licensing Notice* at ¶ 81.

⁸ *See Notice* at ¶ 8; Amendment of the Commission’s Rules to Relocate the Digital Electronic Message Service, 12 FCC Rcd 3471 (1997), at ¶ 15.

purpose of supporting BSS operations, which will provide DBS operators with the certainty that their expansion BSS systems will have the requisite spectrum in which to operate.⁹

**B. IT IS NOT PREMATURE TO BEGIN PLANNING
FOR THE USE OF THE 24 GHz BAND FOR BSS
OPERATIONS**

It is vitally important for the Commission to provide the necessary certainty to the DBS industry in the form of exclusive primary allocations of spectrum to support “reverse band” BSS operations in the 17 GHz and 24 GHz bands. Technical planning for the use and licensing of these bands to support BSS operations must begin now. Satellite system planning, financing, technology development, and ground system design typically take five years or more -- meaning that BSS operators should be licensed to use these bands no later than 2002. A processing round typically takes 1-2 years, as does the promulgation of service rules, which in this instance will likely address novel issues.¹⁰ There will also be issues of coordination for the Commission to resolve with its counterparts in Canada, Mexico and elsewhere.

The bottom line is that the Commission need not and should not wait to begin on-the-record consideration of the issues affecting, and the service rule and licensing requirements for, reverse band BSS operations and – most relevant here – supporting 24

⁹ DIRECTV currently is designing its BSS expansion system to use only the 24.75 – 25.05 GHz frequencies for its feeder link operations. *See* Letter to Magalie Roman Salas, Secretary, Federal Communications Commission, from James H. Barker, Counsel for DIRECTV Enterprises, Inc. (Sept. 16, 1999).

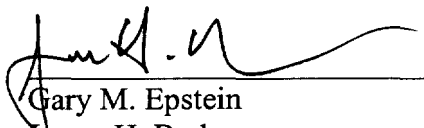
¹⁰ For example, as mentioned in its rulemaking petition, DIRECTV believes that there would be a number of public interest benefits associated with Commission adoption of a 4.5 degree orbital spacing policy in licensing BSS space stations to operate at 17 GHz (downlink), including at least doubling the available spectrum resource available for U.S. service under the Planned BSS Band. *See Notice* at ¶ 7 n.17; *Blanket Licensing Notice* at ¶ 82.

GHz feeder link allocations. Given the lead times necessary for sound spectrum management system licensing, international coordination and careful satellite system construction and deployment, the Commission should promptly allocate 24 GHz spectrum to support BSS operations.

DIRECTV accordingly urges the Commission to allocate spectrum, and to adopt changes to its rules, consistent with the positions set forth above.

Respectfully submitted,

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